

In the Supreme Court of the State of Alaska

Richard L. Green,
Appellant,

v.

**State of Alaska, Department of
Health & Social Services, Office of
Children’s Services, as legal custodian
of Un-named Children 1-4 and Office
of Public Advocacy, as guardian ad
litem of Un-named Children 1-4,**
Appellees.

Supreme Court No. **S-18062**

Order

Date of Order: **7/14/21**

Trial Court Case Nos. **3PA-20-00568/569/570/571CI**

Before: Winfree, Chief Justice, Maassen, Carney, and Borghesan,
Justices.

Richard L. Green — self-represented — has filed an appeal of the final judgment entering a long-term domestic violence protective order against him and in favor of his four children, who are in the Office of Children’s Services’s custody. One of Mr. Green’s points on appeal is that he received ineffective assistance of counsel from his court-appointed Public Defender Agency counsel. He therefore seeks the appointment of new “conflict-free” counsel to represent him in this appeal. The Agency concurs with Mr. Green’s request, and OCS does not oppose the request. Mr. Green’s request raises a number of issues, including the constitutional right to court-appointed counsel in this context.

Based solely on the unusual facts that: (1) OCS obtained the protective order on behalf of the children somewhat ancillary to its role in the related child in need of aid (CINA) proceedings, (2) the Agency was appointed to represent Mr. Green in the

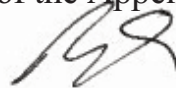
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CINA proceedings and in the protective order proceeding, presumably due to the inter-related issues, (3) it would be problematic for the Agency to argue in this appeal that the Agency's attorney representing Mr. Green in the underlying matters provided ineffective assistance of counsel, and (4) the court-appointed counsel question is unnecessarily interfering with orderly proceedings in this appeal: **IT IS ORDERED** that a limited **REMAND** is made for the superior court to appoint either (1) the Office of Public Advocacy to provide an attorney for Mr. Green, if appropriate under the relevant statutory framework, or (2) a private attorney under Administrative Rule 12(e), to represent Mr. Green for this appeal.

Once the superior court has appointed counsel for Mr. Green, counsel shall promptly file an entry of appearance on behalf of Mr. Green in this court.

Entered at the direction of the court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Supreme Court Justices
Judge Kristiansen
Trial Court Clerk - Palmer

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